

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CIOFFI et al.,
Plaintiffs,
v.

GOOGLE, INC.,
Defendant.

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Civil Action No. 2:13-cv-103

FINAL JUDGMENT

A jury trial commenced in this case on February 6, 2017. The jury returned a unanimous verdict (Dkt. No. 259) finding infringement and also finding that the claims in suit were not invalid.

Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance with the jury's verdict and the entirety of the record available to the Court, the Court hereby **ORDERS** and **ENTERS JUDGMENT** as follows:

1. Defendant Google infringes claim 43 of U.S. Patent No. RE43,500; claims 5 and 67 of U.S. Patent No. RE43,528; and claim 49 of U.S. Patent No. RE43,529.
2. The asserted claims are not invalid under 35 U.S.C. §§ 102, 103, or 251, pursuant to the jury verdict returned in this case.
3. The asserted claims are not ineligible for patent protection under 35 U.S.C. § 101 (*see* Dkt. Nos. 212, 226).


4. Plaintiffs are hereby awarded compensatory damages against Defendant Google, Inc. and shall accordingly have and recover from Google the sum of \$20,000,000 U.S. Dollars (\$20 million), which amount is a running royalty.
5. As explained in the Court's Order regarding ongoing royalties (Dkt. No. 107), Google is **ORDERED** to pay an ongoing royalty of \$0.002601 per Chrome user per month. Such royalty rate shall apply to infringing uses that occurred during the period from February 1, 2017, through the entry of this Final Judgment, as well as for all future infringing uses during the remaining life of the asserted patents.
6. Pursuant to 35 U.S.C. § 284, the Court awards Plaintiffs pre-judgment interest based on the 5-Year Treasury Note (constant maturity) rate,¹ compounded monthly, and calculated based on monthly payments. The Court also awards pre-judgment interest at the corresponding per-diem rate from February 11, 2017 (the day after the jury's verdict) through entry of this Final Judgment.
7. Pursuant to 28 U.S.C. § 1961, the Court awards Plaintiffs post-judgment interest applicable to all sums awarded herein, at the statutory rate, from the date of entry of this Final Judgment until paid.
8. Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, Plaintiffs are the prevailing party in this matter and are entitled to recover their costs from Google. Pursuant to the agreed Bill of Costs filed by Plaintiffs (Dkt. No. 281, Ex. B), Plaintiffs are awarded \$89,931.28 in costs.

¹ Said rate further described at: <http://www.bankrate.com/rates/interest-rates/5-year-treasury-bill.aspx>

The Clerk is directed to **CLOSE** the above referenced case. However, the following motions shall remain pending before the Court:

1. Google's Motion for Judgment as a Matter of Law on Invalidity Under 35 U.S.C. §§ 102, 103 and 251 (Dkt. No. 292)
2. Google's Motion for Judgment as a Matter of Law on Non-Infringement, Damages, Patent Ineligibility, and Intervening Rights (Dkt. No. 293)
3. Google's Motion for Leave to File a Sur-Sur-Reply Brief (Dkt. No. 301)
4. All other relief requested by either party and not specifically addressed herein is **DENIED**.

So ORDERED and SIGNED this 15th day of September, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE